

FACTSheet

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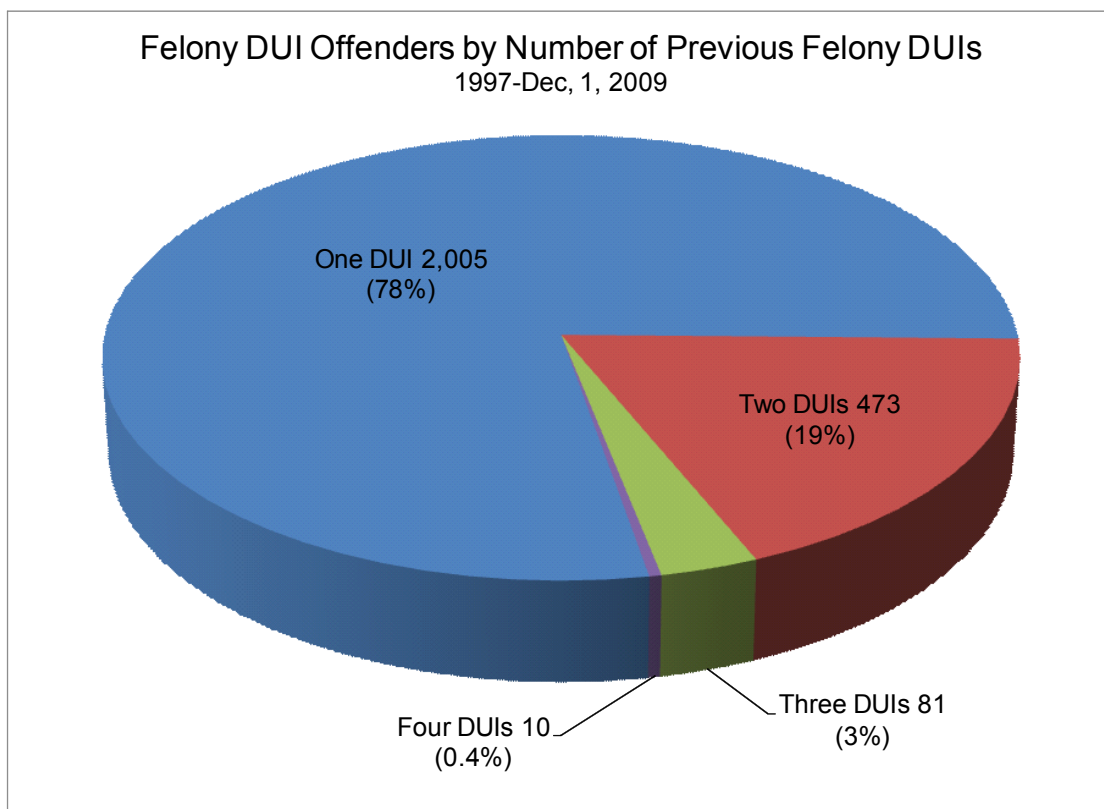


DUI Fact Sheet No. 2 *Law and Justice Committee* *Updated Dec. 1, 2009*

Convictions and sentences

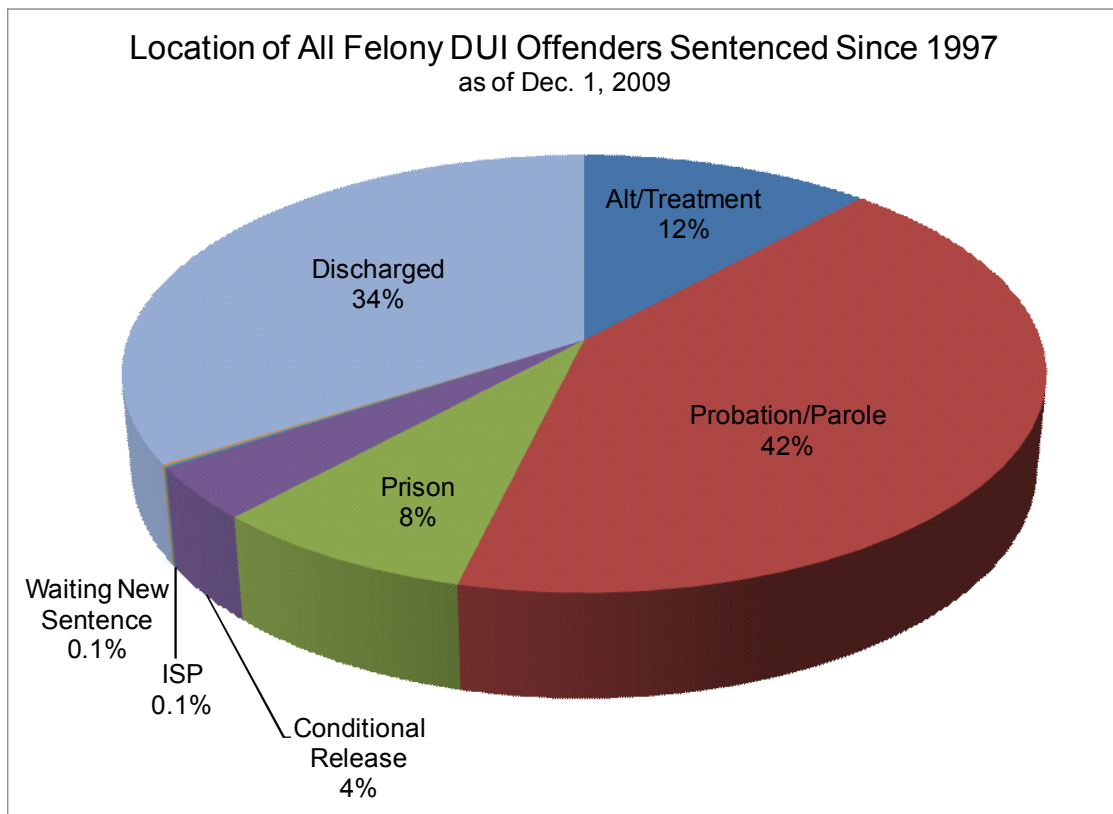
1. Since the felony DUI law was enacted in 1997, the Montana Department of Corrections has supervised 2,569 offenders with 3,232 felony DUI convictions.

- 78.0% (2,005) have had a single felony DUI conviction
- 18.4% (473) have had two convictions
- 3.2% (81) have had three convictions
- 0.4% (10) have had four convictions



2. Of the 2,569 offenders sentenced for felony DUI:

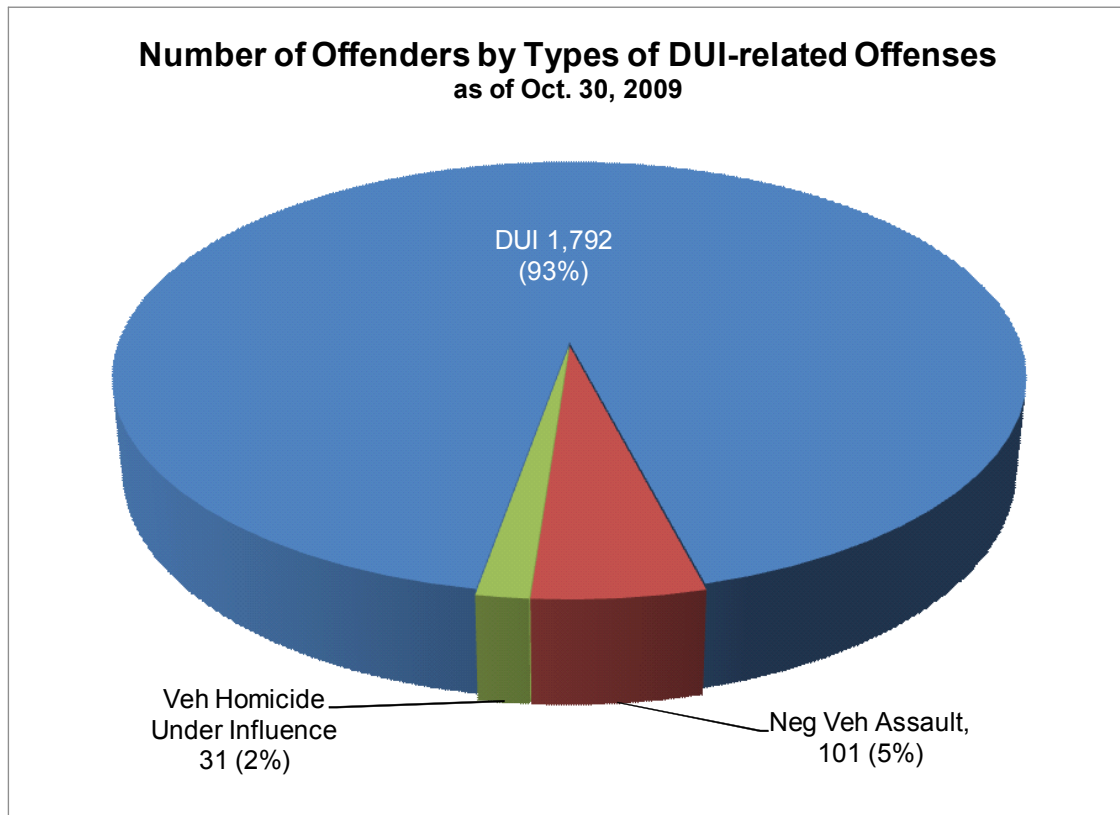
- 41.7% (1,071) are on probation or parole
- 11.7% (300) are in treatment programs
- 8.8% (226) are in prison
- 3.9% (100) are on conditional release
- 3 are in the intensive supervision program
- 3 are awaiting new sentencing
- 33.7% (866) have successfully discharged and are no longer under supervision



3. For the most part, the prevalence of felony DUI convictions mirrors the state's population distribution. However, some counties have more than their proportionate share of DUIs. The chart below compares the percent of Montana's total population in top nine counties with the percent of felony DUI convictions from those counties since 1997. Lewis and Clark, Silver Bow and Lake county have a disproportionately high share of DUIs in relation to their populations.

County	% of Pop	% of DUIs
Yellowstone	14.7	17.2
Missoula	11.1	9.5
Cascade	8.5	8.9
Lewis & Clark	6.3	8.7
Gallatin	9.3	7.6
Flathead	9.1	6.4
Lake	3	5.6
Silver Bow	3.4	5.4
Ravalli	4.2	3.4

4. Convictions for felony DUIs are much more common than either of two other related offenses. Vehicular homicide while under the influence and negligent vehicular assault account for only 7% of all



DUI-related convictions, based on the total offender population at the end of October 2009.

Persistent Felony Offender

Montana's felony DUI law does not provide graduated periods of incarceration for those convicted of a second or subsequent felony DUI. In most cases, judges tend to impose the same statutory 13 months to five years for offenders with multiple felony DUIs. However, a judge can impose a sentence of more than the specified 13-month to five-year sentence by declaring a motorist with multiple felony DUI convictions a "persistent felony offender." That designation can bring a sentence ranging from 5-100 years.

- The DOC has supervised 109 such offenders since 2000 years from 20 counties.
- The average sentence is 118 months.
- The most frequent sentences given were 120 months (34 times), 73 months (15 times), and 60 months (19).
- The sentences vary widely, from 6 months to 600 months.
- The average sentence in Missoula County is 84 months, 114 months in Yellowstone County, 165 months in Lake County and 210 months in Gallatin County.
- The average age of DUI offenders sentenced as persistent felony offenders is 44½.
- This type of sentencing is being used more frequently in recent years (see chart).

Board of Crime Control numbers

According to the 2007-2008 Crime in Montana publication:

- Montana averaged 7,053 DUIs annually during the past five years.
- The rate of DUIs averages 7,660 for every 100,000 residents during that time.
- Males are three times more likely to get DUIs than females.
- Most DUIs occur to those 21-40 years old (57% of all males getting DUIs were in that age range; 59% of all females were in that range)
- About 11.3% of DUI arrests in 2008 were Native American. That is almost twice the representation in the general population.
- About 12% of those arrested for DUI in 2008 were younger than the legal drinking age.

Treatment

The “residential alcohol treatment program” referenced in the DUI laws is provided in the form of the WATCH (Warm Springs Addictions Treatment and Change) program located at Warm Springs (males) and Glendive (males and females). This is a six-month treatment program. Successful completion can be a reduction of an offender’s 13-month sentence.

- Since the first of the two facilities opened in 2002, WATCH has had 2,237 discharges, of which 167 involved offenders in WATCH for a second time.
- 92.7% (2,066) of the those who left the program) completed the treatment, with 142 of them occurring following a second admission.
- 9.9% (205) of those who completed WATCH have had another DUI conviction, nine of which were offenders completing the program a second time.
- 36% (388) of the 1,085 graduates during the first four years of WATCH returned to some kind of correctional facility within three years of leaving WATCH.
- That return rate dropped from 45% to 33% in those four years.
- In 2007, WATCH began a program called “Knights,” which is designed for offenders with a negligent homicide conviction related to DUI. Thirteen of 17 offenders admitted to the program completed it; three are still in the program and one signed out voluntarily.

